

110TH CONGRESS
1ST SESSION

H. R. 1907

To authorize the acquisition of land and interests in land from willing sellers to improve the conservation of, and to enhance the ecological values and functions of, coastal and estuarine areas to benefit both the environment and the economies of coastal communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2007

Mr. SAXTON (for himself and Mrs. CAPPS) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To authorize the acquisition of land and interests in land from willing sellers to improve the conservation of, and to enhance the ecological values and functions of, coastal and estuarine areas to benefit both the environment and the economies of coastal communities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coastal and Estuarine
5 Land Protection Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Coastal and estuarine areas provide impor-
4 tant nursery habitat for two-thirds of the Nation's
5 commercial fish and shellfish, provide nesting and
6 foraging habitat for coastal birds, harbor significant
7 natural plant communities, and serve to facilitate
8 coastal flood control and pollutant filtration.

9 (2) The Coastal Zone Management Act of 1972
10 (16 U.S.C. 1451 et seq.) recognizes the national im-
11 portance of these areas and their ecological vulner-
12 ability to anthropogenic activities by establishing a
13 comprehensive Federal-State partnership for pro-
14 tecting natural reserves and managing growth in
15 these areas.

16 (3) The National Estuarine Research Reserve
17 system established under that Act relies on the pro-
18 tection of pristine designated areas for long-term
19 protection and for the conduct of education and re-
20 search critical to the protection and conservation of
21 coastal and estuarine resources.

22 (4) Intense development pressures within the
23 coastal watershed are driving the need to provide
24 coastal managers with a wider range of tools to pro-
25 tect and conserve important coastal and estuarine
26 areas, including protection of ecologically degraded

1 areas with potential for restoration for ecological or
2 recreational purposes.

3 (5) Protection of undeveloped coastal lands
4 through the acquisition of interests in property from
5 a willing seller are a cost-effective means of pro-
6 viding these areas with permanent protection from
7 development.

8 (6) Permanent protection of lands in the coast-
9 al zone is a necessary component of any program to
10 maintain and enhance coastal and estuarine areas
11 for the benefit of the Nation.

12 (7) Coastal and estuarine areas, in both urban
13 and rural settings, provide significant opportunities
14 for recreational and educational activities, including
15 hunting and fishing, boating, swimming, bird watch-
16 ing, wildlife observation, restoration, and other ac-
17 tivities.

18 (8) Federal-State-nongovernmental organization
19 pilot land acquisition projects have already substan-
20 tially contributed to the long-term health and viabil-
21 ity of coastal and estuarine systems.

22 (9) Enhanced protection of estuarine and coast-
23 al areas can be attained through watershed-based
24 acquisition strategies coordinated through Federal,
25 State, regional, and local efforts.

1 (10) Conserving coastal and estuarine lands can
2 support the traditional economic and natural re-
3 source bases of communities in the coastal water-
4 shed, including well-managed forests that dem-
5 onstrate outstanding ecological, recreational, histor-
6 ical, and aesthetic attributes.

7 **SEC. 3. ESTABLISHMENT OF COASTAL AND ESTUARINE**
8 **LAND PROTECTION PROGRAM.**

9 (a) IN GENERAL.—The Secretary of Commerce shall
10 establish a Coastal and Estuarine Land Protection Pro-
11 gram, in cooperation with appropriate State, regional, and
12 other units of government, for the purposes of protecting
13 the environmental integrity of important coastal and estu-
14 arine areas, including wetlands and forests, that have sig-
15 nificant conservation, recreation, ecological, historical,
16 aesthetic, or watershed protection values, and that are
17 threatened by conversion from their natural, undeveloped,
18 or recreational state to other uses or could be managed
19 or restored to effectively conserve, enhance, or restore eco-
20 logical function. The program shall be administered by the
21 National Ocean Service of the National Oceanic and At-
22 mospheric Administration through the Office of Ocean
23 and Coastal Resource Management.

24 (b) PROPERTY ACQUISITION GRANTS.—The Sec-
25 retary shall make grants under the program to coastal

1 States with approved coastal zone management plans or
2 National Estuarine Research Reserve units for the pur-
3 pose of acquiring property or interests in property de-
4 scribed in subsection (a) that will further the goals of—

5 (1) a Coastal Zone Management Plan or Pro-
6 gram approved under the Coastal Zone Management
7 Act of 1972 (16 U.S.C. 1451 et seq.);

8 (2) a National Estuarine Research Reserve
9 management plan; or

10 (3) a regional or State watershed protection
11 plan involving coastal States with approved coastal
12 zone management plans.

13 (c) GRANT PROCESS.—The Secretary shall allocate
14 funds to coastal States or National Estuarine Research
15 Reserves under this section through a competitive grant
16 process in accordance with guidelines that meet the fol-
17 lowing requirements:

18 (1) The Secretary shall consult with the State’s
19 coastal zone management program, any National Es-
20 tuarine Research Reserve in that State, and the lead
21 agency designated by the Governor for coordinating
22 the implementation of this Act (if different from the
23 coastal zone management program).

24 (2) Each participating State, after consultation
25 with nongovernmental and local governmental enti-

1 ties, shall identify priority conservation needs within
2 the State, the values to be protected by inclusion of
3 lands in the program, and the threats to those val-
4 ues that should be avoided.

5 (3) Each participating State shall evaluate how
6 the acquisition of property or easements might im-
7 pact working waterfront needs.

8 (4) The applicant shall identify the values to be
9 protected by inclusion of the lands in the program,
10 management activities that are planned and the
11 manner in which they may affect the values identi-
12 fied, and any other information from the landowner
13 relevant to administration and management of the
14 land.

15 (5) Awards shall be based on demonstrated
16 need for protection and ability to successfully lever-
17 age funds among participating entities, including
18 Federal programs, regional organizations, State and
19 other governmental units, landowners, corporations,
20 or private organizations.

21 (6) The governor, or the lead agency designated
22 by the governor for coordinating the implementation
23 of this Act, shall determine that the application is
24 consistent with the State's or territory's approved

1 coastal zone plan, program and policies prior to sub-
2 mittal to the Secretary.

3 (7) Priority shall be given to lands described in
4 subsection (a) that can be effectively managed and
5 protected and that have significant ecological or wa-
6 tershed protection value.

7 (8) In developing guidelines under this section,
8 the Secretary shall consult with other Federal agen-
9 cies and non-governmental entities with expertise in
10 land acquisition and conservation procedures.

11 (9) Eligible States or National Estuarine Re-
12 search Reserves may allocate grants to local govern-
13 ments or agencies eligible for assistance under sec-
14 tion 306A(e) of the Coastal Zone Management Act
15 of 1972 (16 U.S.C. 1455a) and may acquire lands
16 in cooperation with nongovernmental entities and
17 Federal agencies.

18 (10) The Secretary shall develop measures that
19 will ensure that property or interests in property ac-
20 quired in whole or in part through the use of funds
21 under the program are acquired only from willing
22 sellers.

23 (11) The Secretary shall develop performance
24 measures that the Secretary shall use to evaluate
25 and report on the program's effectiveness in accom-

plishing its purposes, and shall submit such evaluations to Congress triennially.

(d) MATCHING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may not make a grant under the program unless the Federal funds are matched by non-Federal funds in accordance with this subsection.

(2) MAXIMUM FEDERAL SHARE.—

(A) 75 PERCENT FEDERAL FUNDS.—No more than 75 percent of the funding for any project under this section shall be derived from Federal sources, unless such requirement is specifically waived by the Secretary.

(B) WAIVER OF REQUIREMENT.—The Secretary may grant a waiver of the limitation in subparagraph (A) for underserved communities, communities that have an inability to draw on other sources of funding because of the small population or low income of the community, or for other reasons the Secretary deems appropriate.

(3) OTHER FEDERAL FUNDS.—Where financial assistance awarded under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the

1 cost of the project. Each portion shall be subject to
2 match requirements under the applicable provision
3 of law.

4 (4) SOURCE OF MATCHING COST SHARE.—For
5 purposes of paragraph (2)(A), the non-Federal cost
6 share for a project may be determined by taking into
7 account the following:

8 (A) The value of land or a conservation
9 easement may be used as non-Federal match if
10 the lands are identified in project plans and ac-
11 quired within 3 years prior to the submission of
12 the project application or after the submission
13 of a project application until the project grant
14 is closed (not to exceed 3 years). The appraised
15 value of the land at the time of project closing
16 will be considered the non-Federal cost share.
17 The value of land that is held by a nongovern-
18 mental organization may be used for such pur-
19 pose if it is held in perpetuity by a qualified
20 conservation organization, as determined by the
21 Secretary.

22 (B) Costs associated with land acquisition,
23 land management planning, remediation, res-
24 toration, and enhancement may be used as non-
25 Federal match if the activities are identified in

1 the plan and expenses are incurred within the
2 period of the grant award, or, for lands de-
3 scribed in (A), within the same time limits de-
4 scribed therein. These costs may include either
5 cash or in-kind contributions.

6 (e) RESERVATION OF FUNDS FOR NATIONAL ESTUA-
7 RINE RESEARCH RESERVE SITES.—No less than 15 per-
8 cent of funds made available under this section shall be
9 available for acquisitions benefiting National Estuarine
10 Research Reserves.

11 (f) LIMIT ON ADMINISTRATIVE COSTS.—No more
12 than 5 percent of the funds made available to the Sec-
13 retary under this section shall be used by the Secretary
14 for planning or administration of the program. The Sec-
15 retary shall provide a report to Congress with an account
16 of all expenditures under this section for fiscal year 2008
17 and triennially thereafter.

18 (g) TITLE AND MANAGEMENT OF ACQUIRED PROP-
19 ERTY.—If any property is acquired in whole or in part
20 with funds made available through a grant under this sec-
21 tion, the grant recipient shall provide such assurances as
22 the Secretary may require that—

23 (1) the title to the property will be held by the
24 grant recipient or another appropriate public agency
25 designated by the recipient in perpetuity;

1 (2) the property will be managed in a manner
2 that is consistent with the purposes for which the
3 land entered into the program and shall not convert
4 such property to other uses; and

5 (3) if the property or interest in land is sold,
6 exchanged, or divested, funds equal to the correct
7 value will be returned to the Secretary in accordance
8 with applicable Federal law for redistribution in the
9 grant process.

10 (h) DEFINITIONS.—In this section:

11 (1) COASTAL STATE.—The term “coastal
12 State” has the meaning given the term “coastal
13 state” by section 304(4) of the Coastal Zone Man-
14 agement Act of 1972 (16 U.S.C. 1453(4)).

15 (2) CONSERVATION EASEMENT.—The term
16 “conservation easement” includes an easement or re-
17 striction, recorded deed, or a reserve interest deed
18 where the grantee acquires all rights, title, and in-
19 terest in a property, that do not conflict with the
20 goals of this Act except those rights, title, and inter-
21 ests that may run with the land that are expressly
22 reserved by a grantor and are agreed to at the time
23 of purchase.

24 (3) INTEREST IN PROPERTY.—The term “inter-
25 est in property” includes a conservation easement.

1 (4) OTHER TERMS.—Any term used in this sec-
2 tion that is defined in section 304 of the Coastal
3 Zone Management Act of 1972 (16 U.S.C. 1453)
4 has the meaning given that term in that section.

5 (i) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Secretary such
7 sums as may be necessary to carry out this Act for fiscal
8 years 2008 through 2012.

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